

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.121/2019

Damodar S/o Dibakar Nayak,
 Project Director of Sarjan Infracon
 Pvt. Ltd., aged about 44 Yrs.,
 Occu. Service, R/o at Rahansaguhali,
 PO - Tina, Distt. Jajpur, Oddisha - 755 012.

Applicant.

..Vs..

1. The State of Maharashtra,
 through Police Station Officer,
 Aasegaon Police Station,
 Tah. Mangrulpur, Distt. Washim.
2. The Superintendent of Police,
 Office of the Superintendent of Police,
 Distt. Washim, Maharashtra.
3. Anita Wd/o Gajanan Chavhan,
 aged about 40 Yrs., Occu. Labour,
 R/o at village Savargaon Kanhoba,
 Tah. Mangrulpur, Distt. Washim.

..Non-applicants.

 Shri Y.D. Nagpure, Advocate for the applicant.
 Shri M.K. Pathan, A.P.P. for non-applicant Nos.1 and 2.
 Ms. Neeta R. Gautam, Advocate for non-applicant No.3.

CORAM : Z.A. HAQ AND VINAY JOSHI, JJ.
DATED : 22.4.2019.

ORAL JUDGMENT (Per Vinay Joshi, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally by consent of learned Advocates for the parties.

2. The applicant seeks to quash F.I.R. No.375/2018 registered at the instance of non-applicant No.3 for the offence punishable under Section 304 of the Indian Penal Code. Precisely it was allegation that the applicant, who is serving as Project Director with Sarjan Infracon Pvt. Ltd., has negligently carried blast which resulted into death of the husband of non-applicant No.3. During the pendency of application, the parties have settled the dispute rather the applicant has agreed and paid compensation to the tune of Rs.9,00,000/- (Nine Lakhs) to the legal representatives of deceased Gajanan i.e. non-applicant No.3 and her children. Affidavit to that effect is also filed on record. Having regard to this peculiar fact that victim has been compensated and further the legal representatives of deceased have no grievance, we find that it is appropriate to dispose of the criminal prosecution which has no bearing in this situation. We may note that non-applicant No.3 has also died during the pendency of this application. In view of that, application stands allowed. We hereby quash and set aside F.I.R. No.375/2018 registered at Aasegaon Police Station. Rule is made absolute in the above terms.

CRIMINAL APPLICATION (APPP) NO.201/2019

In view of above order, the application praying for time to file / dispensing with filing of copy of original F.I.R. does not survive and is **disposed of** accordingly.

JUDGE

JUDGE